

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS GELPI	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	NO. 15-1974

ORDER

AND NOW, this 27th day of April, 2016, upon consideration of Defendant City of Philadelphia's Motion to Dismiss for Failure to State a Claim (Docket No. 10), and Plaintiff's response thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion to Dismiss is **GRANTED IN PART** and **DISMISSED AS MOOT IN PART** as follows:

1. The Motion is **GRANTED** insofar as it seeks dismissal of the claims asserted against the City of Philadelphia in Count 1, and those claims are **DISMISSED**.
2. The Motion is **DISMISSED AS MOOT** insofar as it seeks dismissal of Count 2, based on Plaintiff's voluntary withdrawal of that Count.
3. The City of Philadelphia is **DISMISSED** as a party to this action.

BY THE COURT:

/s/John R. Padova
John R. Padova, J.